IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 2313 of 2005

Between:

1 Sai Gayatri Industries, Rep. by its Manager M. Venugopal, S/o M. Venkata Subbaiah, aged 43 years, Occ:Business, r/o Allagadda, Kurnool District.
2 Sri Tirupati Venkateswara Industries, Rep. by its Manager M. Venugopal, S/o M. Venkata Subbaiah, aged 43 years, Occ:Business, r/o Allagadda, Kurnool District.

..... PETITIONERS

AND

1 The Director of Marketing, Government of Andhra Pradesh, Hyderabad.
2 The Agricultural Market Committee, Nizamabad, Nizamabad District.
3 The Agricultural Market Committee, Adilabad, Adilabad District.
4 The Agricultural Market Committee, Bansuvada, Nizamabad District.
5 The Agricultural Market Committee, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ or order or direction particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in detaining the lorries of the petitioners at check-posts in which the goods of blackgram, red-gram,
Bengali-gram etc, belonging to the petitioners purchased out side the State of Andhra Pradesh, are being transported to their Dhal Mills in Allagadda, Kurnool district, and consequently demanding the petitioners to pay the agricultural market fee even though the petitioners produce necessary evidence of purchase of the same outside the State of Andhra Pradesh, as illegal, arbitrary and unwarranted in

the interest of justice.

Counsel for the Petitioners:MR.P.NAGENDRA REDDY

Counsel for the Respondents : GP FOR AGRICULTURE.

The Court made the following :

ORDER:

It is stated that the subject matter of this Writ Petition has been squarely covered by the orders of this Court in W.P.No.2937 of 2005, dated 12.04.2005.

It is stated that to resolve the controversy on a representation from the agricultural market committees, the Director of Marketing, Government of Andhra Pradesh, Hyderabad, issued Circular No. Unit.V(2)186/2000, dated 23.03.2001, stipulating certain instructions for collection of market fees on notified commodities in transit at the check posts.

In the said Circular, it was made clear that the purchase bill accompanying the vehicle shall clearly mention the name, address, licence number and the Agricultural Marketing Committee, in which the purchaser is a licensee. Such purchase bill shall contain the stamp and signature of the border check post in-charge to prove that the commodity is being transported from outside the State and if such purchase bill is produced, all the agricultural market committees en-route shall allow movement of the vehicle without collecting any market fee. It was further clarified that if the said commodity is purchased outside the State and transported into the State at the risk of the purchaser shall be examined for levy of market fee at

the time of annual assessment, but, however, if the same is re-sold in the State, the market fee shall be collected on such sales.

The prayer of the writ petitioner is only to declare the action of the respondents in collecting the market fee in respect of the commodities purchased outside the State and transported into the State as illegal and arbitrary. In view of the aforesaid Circular dated 23.03.2001, the respondents are directed to follow the said instructions given in the Circular and allow the movement of the petitioners' vehicles without collecting the market fee, if they fulfil the conditions as specified in the said Circular.

The Writ Petition is accordingly disposed of. There shall be no order as to costs.

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V. ESWARAIAH, J

Dated:26-04-2005

Ccm

To

1 The Director of Marketing, Government of Andhra Pradesh, Hyderabad.
2 The Agricultural Market Committee, Nizamabad, Nizamabad District.
3 The Agricultural Market Committee, Adilabad, Adilabad District.
4 The Agricultural Market Committee, Bansuvada, Nizamabad District.
5 The Agricultural Market Committee, Hyderabad.

6 Two CCs to the G.P. for Agriculture, High Court Buidings, A.P.Hyderabad(OUT)

7 Two CD copies.